

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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U.S. COMMODITY FUTURES TRADING
COMMISSION,

ECF Case

Plaintiff,

Civil Action No. 12 CV 8791 (CM)

-against-

AFFIRMATION

ERIC MONCADA,
BES CAPITAL LLC, and
SERDIKA LLC,

Defendants.

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Richard M. Asche, an attorney licensed to practice before the Courts of the State of New York, affirms the following under penalties of perjury:

I am a member of the firm of Litman, Asche & Gioiella, LLP, attorneys for the defendant Eric Moncada. I make this affirmation in support of the motion by the defendant requesting an extension of time to respond to plaintiff's motion for summary judgment from February 12, 2014 to February 26, 2014, and the time of plaintiff to file any reply affidavits or memoranda from February 19, 2014 to March 12, 2014.

The plaintiff U.S. Commodity Futures Trading Commission has consented to this request.

The reason for this request is that plaintiff's motion for summary judgment consists of some 51 pages with hundreds of pages of detailed exhibits, which will require additional time for me to review and respond to.

The parties do not anticipate seeking any further extensions of this deadline.

Conclusion

Defendant respectfully requests that the deadline for responding to plaintiff's motion for summary judgment be extended from February 12, 2014 to February 26, 2014, and the time of plaintiff to file any affidavits or memoranda from February 19, 2014 to March 12, 2014.

Dated: New York, New York
February 7, 2014

/s/ Richard M. Asche
Richard M. Asche